

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

**TIMOTHY SCOTT SIMMONS
SANDRA HARDISON SIMMONS
DEBTOR**

**CASE NO. 05-09584-8-JRL
CHAPTER 7**

**NOTICE OF PROPOSED PUBLIC SALE OF REAL PROPERTY
AND NOTICE OF COMPENSATION TO AUCTIONEER**

TO: ALL CREDITORS, INDENTURE TRUSTEES AND OTHER PARTIES IN INTEREST

In accordance with Bankruptcy Rules 2002(a), 6004 and 6007 and 11 U.S.C. Section 363, Notice is hereby given of the proposed auction and sale of real property of Timothy Scott Simmons and Sandra Hardison Simmons located at State Road 1001, Sandy Ridge Farm Road, Falling Creek Township, Lenoir County, North Carolina and more particularly described in the Motion, filed on July 11, 2006 herewith by counsel by the Chapter 7 Trustee. The sale is subject to approval of bids by the Chapter 7 Trustee and subsequent confirmation by the Bankruptcy Court. All bids made prior to approval and confirmation are subject to rejection.

Notice is further given that the Trustee proposes to sell the property at public auction on **AUGUST 30, 2006 at 10:00 a.m.** or as soon as possible thereafter at or near **State Road 1001, Sandy Ridge Farm Road, Falling Creek Township, Lenoir County, North Carolina.**

The Trustee previously filed an application with the Court to approve the employment of Mike Gurkins, Country Boys Auction & Realty Co., Inc., as auctioneer, whose compensation shall be fixed at a rate not greater than the following:

REAL PROPERTY

10% on the first \$5,000.00
3% on the next \$10,000.00
2% on the next \$60,000.00
1.5% on the next \$120,000.00
1% on the balance

FURTHER NOTICE IS HEREBY GIVEN that this Sale may be allowed to proceed provided no response and request for a hearing is made by the Debtor(s), Trustee or other parties in interest in writing to the Clerk of this Court within **TWENTY (20) DAYS** from the date of this notice; and

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for hearing is filed by the Debtor, Trustee, or other parties in interest named herein in writing within the time indicated, a hearing will be conducted on the Motion and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto ex parte without further Notice.

DATE OF NOTICE: July 24, 2006

By: Peggy S. Levin
Attorney for Trustee
1701 Sunset Avenue, Suite 207
Rocky Mount, NC 27804
Phone 252 972-2279

CERTIFICATE OF SERVICE

I, Peggy S. Levin, of Craft, Levin & Abney, LLP certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 24th day of July, 2006, I served a copy of the foregoing **NOTICE OF PROPOSED PUBLIC SALE OF REAL PROPERTY AND NOTICE OF COMPENSATION TO AUCTIONEER** by depositing same in the United States mail, first class, postage prepaid on all parties on the attached mailing matrix; and,
on the following by first class mail, postage prepaid:

Marjorie K. Lynch
U.S. Bankruptcy Administrator
PO Box 3758
Wilson, NC 27894

Paul T. Cleavenger
Attorney at Law
PO Box 1572
Kinston, NC 285034

Timothy Scott Simmons
Sandra Hardison Simmons
508 Greenridge Road
Snow Hill, NC 28580

I certify under penalty of perjury that the foregoing is true and correct.

This the 24th day of July, 2006.

By: Peggy S. Levin
Attorney for Trustee
Craft, Levin & Abney, LLP
1701 Sunset Avenue, Suite 207
Rocky Mount, NC 27804
252 972-2279

Banc/One Chase
PO Box 15153
Wilmington, DE 19886-5153

Lowes
PO Box 530914
Atlanta, GA 30353-0914

Bank of America
PO Box 9000
Getzville, NY 14068-9000

MBNA
PO Box 15137
Wilmington, DE 19886-5137

Bank of America
PO Box 1758
Neward, NJ 07101-1758

New York and Company
PO Box 659728
San Antonio, TX 78265

Bank of America Investment Services
101 S. Tyron Street
Charlotte, NC 28202

Sam's Club
PO Box 530942
Atlanta, GA 30353

Belk Center, Inc.
PO Box 1099
Charlotte, NC 28201-1099

Sears
PO Box 182156
Columbus, OH 43218-2156

Beneficial
PO Box 17574
Baltimore, MD 21297-1574

Staples
PO Box 689020
Des Moines, IA 50368-9020

Circuit City
PO Box 15292
Wilmington, DE 19886-5292

Volkswagon Credit
PO Box 0549
Carol Stream, IL 60132-0549

Gap
PO Box 530942
Atlanta, GA 30353-0942

Wachovia Bankcard Services
PO Box 15137
Wilmington, DE 19886-5137

JC Penney
PO Box 960001
Orlando, FL 32896-0001

Lenoir County Tax Department
Attn:Darrell Parrish, Tax Administrator
101 N Queen Street
Kinston, NC 28502